

COPY

COPY

The Law Office of Kurt F. Stuckel, P.C.

240 Harris St., Revere, MA 02151

Tele: 978-433-5241 Fax: 866-863-1066 Email: kurt@kurtstuckel.com
Admitted in Massachusetts (active) and New York (not active/retired status)

15 January 2019

CC: COURT

VIA CERTIFIED MAIL

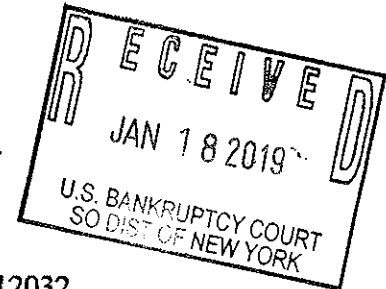
RETURN RECEIPT #7017 0660 0000 0347 9709

Lorenzo Marinuzzi, Esq.

Counsel for GMAC Mortgage LLC f/k/a GMAC Mortgage Corporation
Morrison & Foerster LLP

250 West 55th Street

New York, NY 10019-9601



RE: Bankruptcy case debtor GMAC Mortgage LLC - SDNY - Cases No. 12-12032
and 12-12020 (MG) and related therein

Confirmatory corrective discharge of mortgage required from
GMAC Mortgage Corporation or consent to lift of the stay to allow
Massachusetts Land Court Quiet Title action to cure title

Locus in question: 503 Grove Street, Norwell, MA 02061
Our file reference: Durkin

Attorney Marinuzzi,

This office represents Ms. Suellen Durkin, the homeowner of 503 Grove Street, Norwell, MA 02061 as her counsel in the Commonwealth of Massachusetts.

Ms. Durkin's title to her home is clouded by a failure on the part of GMAC Mortgage Corporation to issue a legally valid discharge of a prior owner mortgage. Said prior owner mortgage, dated March 15, 2002, was paid off in full and in good faith to GMAC Mortgage Corporation. In 2010, GMAC filed with the county an improper discharge of mortgage from grantor MERS, Inc. This cloud on her title cannot be resolved until a confirmatory discharge is executed by GMAC Mortgage Corporation or a Massachusetts Land Court judgment in equity is obtained that removes said mortgage from her title. A complete description of this title issue is set forth in the "title report" attached to this correspondence.

Our office has been retained by Ms. Durkin to either acquire this needed confirmatory/corrective discharge from GMAC Mortgage Corporation or file suit, in equity only, against GMAC Mortgage LLC s/b/m/t GMAC Mortgage Corporation in the Land Court for Massachusetts to remove this mortgage from her title.

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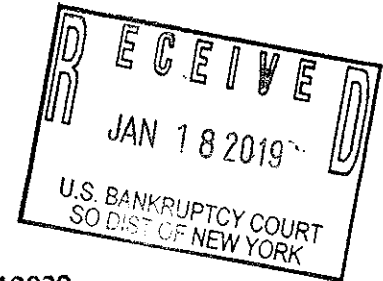
Lorenzo Marinuzzi, Esq.

Counsel for GMAC Mortgage LLC f/k/a GMAC Mortgage Corporation

Morrison & Foerster LLP

250 West 55th Street

New York, NY 10019-9601



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Our office has been retained by Ms. Durkin to either acquire this needed confirmatory/corrective discharge from GMAC Mortgage Corporation or file suit, in equity only, against GMAC Mortgage LLC s/b/m/t GMAC Mortgage Corporation in the Land Court for Massachusetts to remove this mortgage from her title.

Simply, our office requests that your office either have this attached prepared discharge of mortgage executed and returned to our office, or, respond to our office promptly * with arrangements to file a voluntary lift of the Bankruptcy Court stay with the Trustee and the Bankruptcy court, so that we may complete an uncontested quiet title, in equity only, in the Land Court for Massachusetts.

* Additionally, we do see on PACER that on December 6, 2018, Honorable Martin Glenn has issued and filed on the docket a FINAL ORDER closing this case. Respectfully, if you believe that the case is closed and the Bankruptcy court automatic stay no longer applies to GMAC Mortgage LLC f/k/a GMAC Mortgage Corporation, thereby allowing our client to bring suit in equity in the Massachusetts Land Court, please simply reply to this effect/consent – your reply would go a long way toward helping our client and we'd be grateful to your office for this professional courtesy. An S.A.S.E. with suggested reply is enclosed for such a response.

I trust that you will find working with our office easy, quick, competent and efficient. I look forward to hearing from your office so that we may quickly and efficiently resolve this matter.

Thank you and Sincerely,



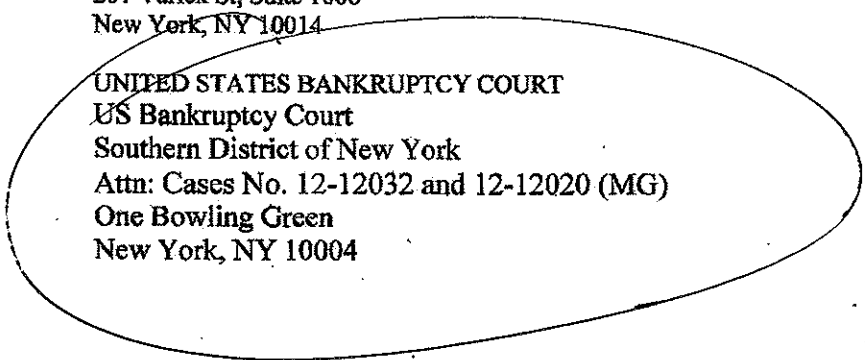
Kurt F. Stuckel, Esq.

Encl.

Cc:

By U.S. first class mail

TRUSTEE FOR THE OFFICE OF THE SOUTHERN DISTRICT OF NEW YORK
Brian S. Masumoto, Esq.
U.S. Federal Office Building
201 Varick St, Suite 1006
New York, NY 10014



UNITED STATES BANKRUPTCY COURT
US Bankruptcy Court
Southern District of New York
Attn: Cases No. 12-12032 and 12-12020 (MG)
One Bowling Green
New York, NY 10004

CONFIRMATORY / CORRECTIVE DISCHARGE OF MORTGAGE

*This confirmatory / corrective discharge of mortgage is
hereby executed and recorded to confirm the discharge of mortgage
already recorded in this county at book 39347 page 332
and correct the grantor of said discharge of mortgage*

GMAC MORTGAGE LLC F/K/A GMAC MORTGAGE CORPORATION holder of a Mortgage from JOHN J. HARRINGTON AND ARLENE M. HARRINGTON to RELIANT MORTGAGE COMPANY LLC dated MARCH 15, 2002, in the amount of \$20,000; recorded with the PLYMOUTH County Registry of Deeds at **BOOK 21746 PAGE 151**, recorded on MARCH 20, 2002, said mortgage having been assigned of record to GMAC MORTGAGE CORPORATION by assignment recorded at book 21746 page 157, DOES HEREBY CERTIFY that the Mortgage herein is paid in full and does hereby consent that the same be discharged of record and acknowledges satisfaction of the same.

PROPERTY ADDRESS:

503 Grove Street, Norwell, Massachusetts 02061

In Witness whereof, GMAC MORTGAGE LLC F/K/A GMAC MORTGAGE CORPORATION has caused these presents to be signed in its name and behalf
by _____ its _____ as an instrument under seal
this date _____

GMAC MORTGAGE LLC F/K/A GMAC MORTGAGE CORPORATION

Witness

(signature)
by _____
(print name)
its _____
(print title)

(signature)
Witness by _____
(print name)

STATE/Commonwealth of _____
COUNTY OF _____

On this date _____, before me, the undersigned Notary Public, personally appeared _____, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument, and that such instrument is full actual deed and free act and deed of the person(s) whose name(s) is/are subscribed and executed above and within.

Notary Public
My commission expires _____

(notary seal)

Date: _____

RE: Bankruptcy case debtor GMAC Mortgage LLC f/k/a GMAC Mortgage Corporation
SDNY – Cases No. 12-12032 and 12-12020 (MG)

To Whom It May Concern:

The above referenced actions have been closed by final order of the bankruptcy court and the automatic stay no longer applies to the debtor and cases therein.

Sincerely,

Lorenzo Marinuzzi, Esq.
Counsel for GMAC Mortgage LLC f/k/a GMAC Mortgage Corporation
Morrison & Foerster LLP
250 West 55th Street
New York, NY 10019

SUGGESTED

Reply

B1 (Official Form 12-12032-mg Doc 1 Filed 05/14/12 Entered 05/14/12 08:10:40 Main Document

United States Bankruptcy Court Southern District of New York						Pg 1 of 25	
Name of Debtor (if individual, enter Last, First, Middle): GMAC Mortgage, LLC				Name of Joint Debtor (Spouse) (Last, First, Middle):			
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): GMAC Mortgage Corporation				All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):			
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 23-1694840				Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):			
Street Address of Debtor (No. and Street, City, and State): 1100 Virginia Drive Fort Washington, PA <div style="text-align: right;">ZIP CODE 19034</div>				Street Address of Joint Debtor (No. and Street, City, and State): <div style="text-align: right;">ZIP CODE</div>			
County of Residence or of the Principal Place of Business: Montgomery				County of Residence or of the Principal Place of Business:			
Mailing Address of Debtor (if different from street address): <div style="text-align: right;">ZIP CODE</div>				Mailing Address of Joint Debtor (if different from street address): <div style="text-align: right;">ZIP CODE</div>			
Location of Principal Assets of Business Debtor (if different from street address above): <div style="text-align: right;">ZIP CODE</div>							
Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other <input type="checkbox"/> Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box.) <input type="checkbox"/> Debts are primarily consumer, debts defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or house-hold purpose." <input checked="" type="checkbox"/> Debts are primarily business debts			
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached. <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate nonecontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$ 2,343,300. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).			
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.							THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input checked="" type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000							
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input checked="" type="checkbox"/> More than \$1 billion							
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input checked="" type="checkbox"/> More than \$1 billion							

Quirk Associates LLC
4 Dorothy Lane
Dedham, MA 02026
781-326-1202 * Fax: 781-326-0916
Email Address: QuirkAssociates@Gmail.com

Title Report

Estate: 503 Grove Street, Norwell

Owner: John J. Harrington, Jr. and Arlene Marie Harrington

Current Deed: Book 11672 Page 148 Sheet 16 Plan: Sheet 3

Encumbrances

Mortgages: None Sheet

Discharged mortgage for your review:

1. Reliant Mortgage Company, LLC	21746-151	21
Assigned to GMAC Mortgage Corporation	21746-157	22
Discharged by MERS	39347-332	23

Attachments/Executions: None

Tax Liens: None

Bankruptcy-Registry Records Unreliable: -

Restrictions/Conditions & Easements:

1. As shown on plan		3
2. As stated in Deed	8854-228	9

Remarks: None

Exam Begins: 5-4-1953

Exam Ends: 10-30-2018

03/15/2002 11:26 FAX 17812244204

RELIANT MORTGAGE

45216

12011

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
20 MAR 2002 11:35AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 21746 Pg 151-156

WHEN RECORDED MAIL TO: *mail*

RELIANT MORTGAGE COMPANY, LLC
107 AUDUBON ROAD SUITE 22
WAKEFIELD, MASSACHUSETTS 01880
Loan Number 4196994

Commonwealth of Massachusetts Space Above This Line For Recording Data

OPEN-END MORTGAGE
(With Future Advance Clause)

1. **DATE AND PARTIES.** The date of this Mortgage (Security Instrument) is MARCH 15, 2002 and the parties, their addresses and tax identification numbers, if required, are as follows:

MORTGAGOR: JOHN J HARRINGTON AND ARLENE M HARRINGTON, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

☐ If checked, refer to the attached Addendum incorporated herein, for additional Mortgagors, their signatures and acknowledgments.

LENDER: RELIANT MORTGAGE COMPANY, LLC, A MASSACHUSETTS LIMITED PARTNERSHIP
107 AUDUBON ROAD SUITE 22, WAKEFIELD, MASSACHUSETTS, 01880

2. **CONVEYANCE.** For good and valuable consideration, the receipt and sufficiency of which is acknowledged, upon the statutory condition, and to secure the Secured Debt (defined below) and Mortgagor's performance under this Security Instrument, Mortgagor grants, bargains, conveys, sells, and mortgages to Lender, with power of sale and mortgage covenants, the following described property:
SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A".

The property is located in PLYMOUTH at
(County)
503 GROVE ST NORWELL, Massachusetts 02061
(Address) (City) (ZIP Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, ditches, and water stock and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property").

3. **MAXIMUM OBLIGATION LIMIT.** The total principal amount secured by this Security Instrument at any one time shall not exceed \$20,000.00. This limitation of amount does not include interest and other fees and charges voluntarily made pursuant to this Security Instrument. Also, this limitation does not apply to advances made under the terms of this Security Instrument to protect Lender's security and to perform any of the covenants contained in this Security Instrument.

MASSACHUSETTS - MORTGAGE (NOT FOR PDMA, FHLBC, FHA OR VA USE) Form RE-MTG-MA 3/2/95

Page 1 of 3

MIN#100069700004196995

GMAC Mortgage Corporation
160 Wilmer Road, Suite 91
Horsham, PA 19044
Attn: Correspondent Table Funding Team #4

45217

100069700004196995

ASSIGNMENT OF MORTGAGE

Reliant Mortgage Company, LLC holder of a real estate mortgage

from: John J. Harrington and Arlene M. Harrington

dated: March 15, 2002

recorded with the Plymouth Registry of Deeds

immediately prior hereto and assigns without recourse in any event said mortgage and the Note and claim secured thereby to:

GMAC MORTGAGE CORPORATION
P.O. Box 57003
Irvine, CA 92619

RECORD MORTGAGEE/HOLDER

In witness whereof the said Reliant Mortgage Company, LLC has caused its corporate seal to be hereto affixed and these presents to be signed, in its name and behalf by, STEVEN B. EDELSTEIN, PRESIDENT this 15th day of March, 2002.

Signed and sealed in the presence of:

[Signature]

Reliant Mortgage Company, LLC

[Signature]
STEVEN B. EDELSTEIN, PRESIDENT

Commonwealth of Massachusetts

Plymouth, ss.

March 15, 2002

Then personally appeared the above named, and acknowledged the foregoing instrument to be the free act and deed of the Reliant Mortgage Company, LLC before me.

M.R. BOOK 21746
PAGE 157

[Signature]
Notary Public
My Commission Expires 7/3/03

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
20 MAR 2002 11:35AM
JOHN R. BUCKLEY, JR.
REGISTER
Bk 21746 Pg 157

23

*** Electronic Recording ***

Doc#: 00102556

Bk: 50605 Pg: 66 Page: 1 of 3

Recorded: 12/07/2018 11:44 AM

ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

AND AFTER RECORDING RETURN TO:

A
Current
owner

MASSACHUSETTS EXCISE TAX

Plymouth District ROD #11 001

Date: 12/07/2018 11:44 AM

Ctrl# 120294 07037 Doc# Plymouth County Registr

Fee: \$2,373.48 Cons: \$520,500.00

---Above This Line Reserved For Official Use Only---

QUITCLAIM DEED

We, John J. Harrington and Arlene Marie Harrington, a married couple of Chatham, Barnstable County, Massachusetts

For consideration paid, and in full consideration of Five Hundred Twenty Thousand Five Hundred Dollars and 00/100 (\$520,500.00)

Grant to Suellen Durkin, individually of 90 Elm Street, Cohasset, Norfolk County, Massachusetts

With QUITCLAIM COVENANTS

The land in Norwell, Plymouth County, Massachusetts, with the buildings thereon, being shown as Lot 1 on a "Plan of Land, Norwell, MA., dated September 12, 1986 Reckie Land Survey Systems", recorded with the Plymouth Registry, Plan Book 30, Page 372. Said Lot 1 being bounded as follows:

SOUTHERLY: by Grove Street, 140.00 feet;

SOUTHEASTERLY:

EASTERLY and

NORTHEASTERLY: by Lot 2 as shown on said plan, in four courses measuring 85.25 Feet, 80.21 feet, 135.70 feet; and

NORTHWESTERLY: by said Lot 2, 121.45 feet;

SOUTHWESTERLY:

and WESTERLY: by land now or formerly of Haight and Normand, in two courses, measuring 77.19 feet and 192.46 feet, respectively.


Containing 43,596 square feet according to said plan.

Being the same premises conveyed to the Grantors by Deed dated February 26, 1993 and recorded with the Plymouth County Registry of Deeds in Book 11672, Page 148.

Under the pains and penalties of perjury the Grantor hereby waives any and all right of homestead to the property conveyed herein and warrants that there are no persons entitled to any rights under G.L.c. 188.

The remainder of this page left intentionally blank

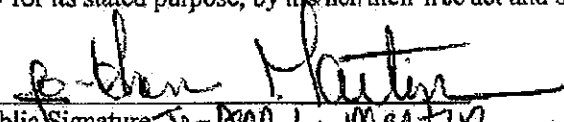
WITNESS Grantors' hands this 5th day of December, 2018.


John J. Harrington, Jr. (Seal)

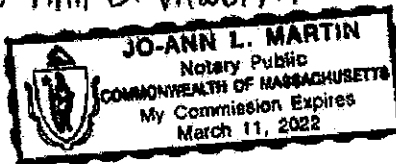

Arlene Marie Harrington (Seal)

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE

On this 5 day of Dec, 2018, before me, the undersigned notary public, personally appeared the above-named, John J. Harrington and proved to me through satisfactory evidence of identification, which were MASS. DRIVERS LIC, to be the person(s) who signed the preceding or attached document in my presence, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, by his/her/their free act and deed.


Notary Public Signature Jo-Ann L. Martin

My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS
COUNTY OF Barnstable

On this 5th day of Dec, 2018, before me, the undersigned notary public, personally appeared the above-named Arlene Marie Harrington and proved to me through satisfactory evidence of identification, which were Mass. Drivers Lic to be the person(s) who signed the preceding or attached document in my presence, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, by his/her/their free act and deed.

Notary Public Signature Jo-Ann L. Martin

My Commission Expires:

